

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44461 of 2022

Arising Out of PS. Case No.-6 Year-2020 Thana- TEYAR District- Bhojpur

Deepak Chaubey @ Deepak Kumar Chaubey Son Of Daya Shanker Chaubey
R/O Village- Sikaria, Bankat, P.S.- Tiyar, District- Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bindhyachal Singh, Sr. Advocate Mr. Vipin Kumar Singh, Advocate Ms. Nikita Mittal, Advocate
For the Opposite Party/s :	Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 04-04-2023 Heard Mr. Bindhyachal Singh, learned Senior Counsel assisted by Mr. Vipin Kumar Singh, learned Counsel appearing on behalf of the petitioner and Mr. Zainul Abedin, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection with Tiyar P.S. Case No. 06 of 2020 for the offence punishable under Sections 302, 201, 376 and 34 of Indian Penal Code and under Section 27 of Arms Act.

3. Prosecution case in brief is that the informant, who is the brother of the deceased girl was informed that dead body was lying in the firm house of one Bhagwan Yadav, who is not named in the F.I.R. A bullet injury was found on her body. The suspicion has been raised that one co-accused namely, Mukesh



Kumar, who was in love with the deceased girl had committed murder of his sister after committing rape.

4. Mr. Bindhyachal Singh, learned Senior Counsel appearing on behalf of the petitioner submitted that the name of the petitioner has come during the course of investigation merely on the basis of suspicion. The Investigating Officer has not collected even minuscule material to connect the petitioner with the alleged murder while the evidences collected in course of investigation establish that the co-accused namely, Mukesh Kumar @ Vikky was in love relationship with the deceased girl and later on he too committed suicide. Petitioner has clean antecedent.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the grant of anticipatory bail of the petitioner.

6. Having heard the rival submission of the parties, perused the allegations made in the F.I.R., it appears that main allegation of murder is against one Mukesh Kumar, who has later on committed suicide. In want of any material collected in course of investigation against the petitioner whose name has been roped in the present case merely on the basis of suspicion in view of settled law that a strong suspicion, howsoever, cannot



take the place of proof the petitioner cannot be kept behind the bar, even after completion of investigation. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara in connection with Tiwar P.S. Case No. 06 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

Nilmani/-
Niraj/-

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